

## **SEWER COMMISSION MINUTES**

**October 20, 2010                      7:00 PM**

**Mr. Kane - The regular meeting of the Town of North Smithfield Sewer Commission was called to order on Wednesday, October 20, 2010 at 7:06 P.M. at Kendall Dean School.**

**Roll Call - Mrs. Paul - In attendance was: Mr. Nordstrom, Mr. Kane, Mr. McGee, and Mr. Connolly. Mr. DeCelles was not present. Mr. Carpenter, Acting Superintendent and Mr. Wilcox were also present.**

### **APPROVAL OF MINUTES**

**Mr. Kane requests approval from the sewer commission for the September 15, 2010 and September 29 special meeting minutes.**

**MOTION by Mr. Connolly, seconded by Mr. Nordstrom and voted unanimously on a 4-0 aye vote to approve and accept the September 15, 2010 sewer commission minutes.**

**Mr. Kane requests approval from the sewer commission special meeting for the September 29, 2010 minutes.**

**MOTION by Mr. Connolly, seconded by Mr. Nordstrom to approve to accept the September 15, 2010 sewer commission minutes.**

**Mr. Connolly addressed that on line one of the September 29 minutes meeting should have read Town of North Smithfield Special meeting instead of a regular meeting. The minutes should reflect the change to a special meeting.**

**Mr. Kane stated that Mr. McGee wasn't present for the special meeting and will abstain from the vote.**

**MOTION by Mr. Connolly, seconded by Mr. Nordstrom and voted unanimously on a 3-0 aye vote to approve and accept the September 15, 2010 sewer commission minutes as adjusted and Mr. McGee abstained.**

#### **REPORT FROM ACTING SUPERINTENDANT-Mr. Carpenter**

**Mr. Carpenter received a call from Mr. James Geremia today and will schedule a meeting next week to go throughout the SCADA system with Mr. Mike Leary, Fall River Electric to try and resolve some issues that he has.**

**Mr. Kane asked members if they remember if the SCADA bills were forwarded to the town council. He has received over a \$12k bill from the City of Woonsocket for the upgrades to the receiving end of the signal.**

**Mr. Carpenter indicated that Woonsocket could receive Alice Avenue**

**and Elizabeth Avenue flow readings.**

**Mr. Kane stated that he has to know where that money is coming from and was told that money was not in the bond and it is in excess of what they were expecting. He stated that it never went before the town council and believes that it has already been paid. He believes that they will be receiving one more invoice that has additional work that needs to be completed on our end and before that bill gets paid; he wants to make sure that they are doing it as they had in the past.**

**Mr. Carpenter stated that Woonsocket is requesting from him that he recalibrate Alice Avenue and Elizabeth Avenue. He was told that the flows are coming in too low to prior readings. He just had them recalibrated in July.**

**Mr. Kane stated that there were 22 connections made in September for the sewer project.**

**Mr. Kane requested Mr. Bob Brothers and his associate from Inland Waters make a brief presentation preceding their bidding to the Interceptor Cleaning program.**

**Mr. Michael Davert President of Inland Waters and Mr. Geoff Powers provided a brief presentation. Mr. Brothers couldn't make the meeting. He provided a brief overview of his company and that he has been in the state for twelve years and all they do is sewer work,**

**clean and inspect sewers and do most of their work at wastewater plants.**

**Mr. Kane stated that the sizes range anywhere from 42 to 8 in the bid packets. If the whole bid package is approved, they are looking at approximately 27 thousand feet ranging in those sizes and are all interceptors.**

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**They also expressed that they did do a lot of work in Woonsocket and provided a brochure to all commission members.**

**Mr. Kane expressed that their main focus of the project is to inspect everything.**

**Mr. Connolly asked how many trucks do they have now.**

**Mr. Davert told them that they currently have 12 trucks and are on call for the City of East Providence. He stated this is all they do and specialize in.**

**MR. GREGORY VAN PELT-5 Park Drive-Request for Unusual and Extreme Hardship**

**Mr. Kane stated that he has not heard from Mr. Van Pelt along with Mr. Wilcox who hasn't either heard from him. He stated that Mr. Van**

**Pelt is trying to avoid foreclosure on his property and is current on his assessment and he intends to make every effort to stop foreclosure but needs additional time to connect to the system. He stated that since Mr. Van Pelt isn't present, doesn't feel that it is appropriate to make any type of motion at this time but requests to have this tabled at their next regular scheduled meeting.**

**MOTION by Mr. Connolly, seconded by Mr. McGee and voted unanimously on a 4-0 aye vote to table to the November 17th regular scheduled meeting.**

**MR. FRANCIS ZYGMUNT-Elizabeth Avenue-Request for an Extreme and Unusual Hardship**

**Mr. Zygmunt of 115 Elizabeth Avenue was present.**

**Mr. Kane stated that for some reason he was billed for his two properties on Elizabeth Avenue; however they have no certificate of completion. This is a unique situation and they do fall in the project area and he asked that he would like to connect at the time the houses are complete.**

**Mr. Zygmunt replied yes that he did want to connect. He is hoping to have electricity in one of the building to actually do the sewer connection by the June 30, 2011 deadline if a permit would be issued since he has already paid the first quarter of the assessment and the second quarter is sitting at the tax collector's office pending the**

commission's decision this evening which is for plat 3 lot 128. On plat 3 lot 240, he only has a foundation in place at the present time. There would be no possibility of being able to meet that deadline.

Commission members were discussing options.

Mr. Nordstrom stated that as long as he is paying the assessment of 1 edu on each of the properties, he cannot connect.

Mr. Wilcox stated he is paying 1 ½ on one and 1 on the other property. And the town has one of the properties listed as a duplex. He also brought up the point on the warranty on the pump which starts on the date it is put from the date it was purchased through F.R. Mahoney.

Mr. Kane stated that it is 27 months from the date of delivery or four months from installation.

Mr. Nordstrom asked how do they handle the pump and warranty because the language in section F 8-35.5 F states that they would have to determine a credit at some point in time because he would have to purchase a pump because he is outside that one year period.

Mr. Zygmunt stated the Mr. Jim Allard went to Mr. Wilcox's office on September 14 and he said that there would be no way that a permit would be issued. He stated that nothing was ever said to him on

**September 28 when they spoke.**

**Mr. Wilcox stated that he can not issue a permit unless he receives a certificate of completion. Because the building was finished, he wouldn't know what type of pump to furnish. He was informed that it could be a duplex instead of a single family and how would he know that.**

**Mr. Zygmunt asked if it was the same pump.**

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**Mr. Wilcox indicated that it isn't the same pump as a single family. If there are more people living at that residence, the pump becomes larger in capacity to receive. Without the certificate of completion from building and zoning, he doesn't know what type of building it is.**

**Mr. Zygmunt stated that Mr. Benoit is aware that it is a duplex; he is being assessed and taxed as a duplex.**

**Mr. Wilcox responded but there isn't anything there.**

**Mr. Zygmunt stated that by June 30, 2011 there will be electricity with a panel that it could be tied into.**

**MOTION by Mr. Nordstrom, seconded by Mr. Connolly and Mr. McGee**

to research the issue further and table to the November 17, 2010 meeting with discussion.

Mr. Nordstrom requested from Mr. Wilcox to look into how Mr. Zygmunt is on the books for 1 ½ as a duplex and somewhere in the town's records it has him as a duplex even though the unit isn't built.

Mr. Wilcox has to go back to the tax assessor and pull the field card to make sure he can answer his question.

Mr. Nordstrom stated that the way the ordinance reads that under normal circumstances these would be two separate lots assessed at one edu each because they are undeveloped and when they get developed, that is when the permit is pulled and determine the use at that time.

Mr. Wilcox stated that the assessment number came from the Assessor to Jim Geremia's engineering sheet which was taken to give out the assessments.

Mr. Nordstrom stated that in the town's records it seems that it seems to be indicating that they have a permit.

Mr. Wilcox stated that it didn't indicate when he did the assessment that the structure that it wasn't occupied or had this or that on any one of those lots. He will check the field card along with checking



with building and zoning departments.

Mr. Zygmunt asked if he should direct the tax collector to deposit is second quarter payment.

Mr. Kane stated that yes and that the payment should still be made regardless and requested Mr. Wilcox to contact the tax collector tomorrow informing them to deposit Mr. Zygmunt's check.

MOTION by Mr. Nordstrom, seconded by Mr. Connolly and Mr. McGee and voted unanimously on a 4-0 aye vote to research the issue further and table to the November 17, 2010 meeting.

Mr. Wilcox agreed to contact them.

**ST. PAUL SCHOOL-Robert Kazor-79 St. Paul Street-Request for Extreme and Unusual Hardship**

Mr. Kane stated that at the request of the town administrator all schools public or private were placed on hold, assessment connection and hold them and don't do anything with them. They have to come to a point to where St. Paul School is a private church school/building and have been placed on hold and have not been contacted per those instructions. They believe that they have resolved the issue of usage and assessment for a school building. He referred to a letter from Mr. Geremia in the commission's package regarding E-1 sizing and assessment and usage of Kendall Dean and

**St. Paul School. There will be a meeting with the town administrator, Mr. Wilcox, Mr. Carpenter and the representatives from the Roman Catholic Church and their financial director Mr. Kazor and the pastor. He put them on the agenda to grant them a one year extension to connect. Per the town administrator's instructions they have not been assessed or billed for usage for notified for connection.**

**Mr. Wilcox indicated that he is met with the Pastor of St. Paul Church and he was leaving but returning this week. He knew that the various fees would be coming to him but didn't know when. Ms. Hamilton has taken the position to work with the parish and to meet with them to review everything after the pastor returns from sabbatical and what the town would offer them. He has put everything together and provided the information with an outline to Mr. Kane. He pulled the field card to see how much is**

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**located in the North Smithfield and Blackstone areas. He indicated that several details need to be worked out but in the mean time, they asked to proceed with Mr. Geremia to get an estimate of the edu's and usage charge based on what the school is listed on today as in square feet at 18,913 is the square footage with the three (3) edu's. Ms. Hamilton, himself, Mr. Kane and the financial director will be meeting together to understand what the procedures will be going forward.**

**Mr. Nordstrom clarified that the church and the rectory are in Blackstone, and the back half of the school is in Blackstone. He asked if the septic system is in Blackstone or maybe ask them where the septic system is located.**

**Mr. Carpenter answered that more than likely it is.**

**Mr. Kane stated that the whole back piece is located in Blackstone and indicated that the only real land that is outside of the building is the portion that is in North Smithfield is the frontage that they have along St. Paul Street.**

**MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on a 4-0 aye vote to table to the November 17th meeting when the town will come back to the commission with a recommendation.**

### **RECOMMENDATION TO ADMINISTRATION-RE: E.D.U. Determination for Schools (Public and Private)**

**Mr. Kane requested this be placed on the agenda which was continued from the last meeting. He stated that they need to set precedents of how they deal with schools. In this project there are two (2) schools, the Kendal Dean School and St. Paul Street as far as edu's are concerned and usage. They are not schools actually used by children. They are figured on actual square feet. The reason this**

is being brought up is because neither building has been assessed per the town of the town administrator. Neither building has received a bill for an assessment. Mr. Kane referred to the letter from Mr. James Geremia of how the edu's are determined.

Mr. Nordstrom referred to the letter from Mr. Geremia of how the edu's are determined and forward that to the town administrator.

**MOTION** by Mr. Nordstrom, seconded by Mr. McGee and Mr. Connolly and voted unanimously on a 4-0 aye vote to forward the letter from Mr. Geremia to the town administrator and that Kendall Dean be classified as two (2) edu's and St. Paul School as three (3) edu's as outlined in the letter.

Mr. Wilcox will send it to Ms. Hamilton with the two drafts on both schools to be submitted.

#### **RECOMMENDATION TO TOWN COUNCIL-Re: In-Law Apartments and Related E.D.U. Assessment and Concurrent Request for Legal Opinion**

Mr. Kane stated that several properties have filed appeals with the town or voiced their concerns regarding their in-law apartments and the ordinance not plainly stating how in-law apartments constitute an additional half edu charge. He provided an example in the commission's packets and will not take any action on any specific property.

**Mr. Nordstrom referred to the sewer ordinance on page 8-2 of what the definition is for a “Dwelling Unit.”**

**“DWELLING UNIT” means a house, an apartment, a group of rooms, or a single room occupied or intended for**

**Occupancy as separate living quarters. Separate living quarters are those in which the occupants have either:**

**(a) Direct access from the outside of the building or through a common hall; or**

**(b) Complete kitchen facilities for the exclusive use of the occupants.”**

**Referring to the example provided Mr. Nordstrom stated it clearly states that there are two kitchens and that is the definition of a dwelling unit and under the assessment formula it is one in half edu’s for that dwelling.**

**Mr. Kane stated that a question like that has come up in the past and was forwarded for an opinion from the former town solicitor and one was never provided to the commission. He is asking if they should seek another legal opinion from the current town solicitor?**

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**Mr. Nordstrom feels that he is only going by from what the definition says referring to two kitchens and it is clear in the tax assessor's records that there are two kitchens that would be the definition of two (2) dwelling units and it is in the ordinance under that section and feels it isn't even debatable.**

**Mr. Kane asked Mr. Wilcox is it a formal request that he has made and asked him to notify them that this is what is stated in the ordinance.**

**Mr. Wilcox replied that he can do that by sending them a letter.**

## **BID PACKETS**

**Mr. Kane provided commission members with the bid packets for them to review. He assembled the bid packets. The dates are for November 2 and closing on November 30 2010.**

**Mr. Nordstrom asked why would they be accepting the bids and feels it is a town function and they can't award the bid until the commission approves them and feels that it shouldn't go to the secretary but it should be timed stamped and it should go to the finance director from the town or whom ever is in charge of putting out bid packets.**

**There was discussion amongst the members if the bids end up coming in too high.**

**Mr. Kane included a clause in the second paragraph of the bottom of the bid packet to read as follows: “The North Smithfield Sewer Commission reserves the right to reject any and all bids waive any informalities in the bids received and to accept the bid most favorable to the interest of the North Smithfield Sewer department.”**

**Mr. Nordstrom will provide the proper language to include in the bid packets.**

**Mr. Kane stated that it doesn’t even touch the laterals, it is just interceptors.**

**Mr. Nordstrom still feels that it should be the town that puts it out to bid.**

**Mr. Kane indicated that before it goes out he plans on giving this to the finance director and the legal department, the town solicitor to review.**

**Mr. Nordstrom will look into how they would do a deductive bid and how it would be incorporated in it and include the language in the bid sheet. He couldn’t find anything for disposal of material but he will look again and it has to be very clear that he has to pay for that and it isn’t something the town is going to do.**

**Mr. Kane asked if all written comments be sent to him and Mr. Carpenter and they can sit down and review it together. Under attachment 3, specification for sewer cleaning, he will amend it. He referred to 3.05, page 31, listed under waster material removal and disposal, it states that the contractor will dispose of all solids and wastes but it doesn't state of who will pays for it.**

**Mr. Nordstrom commented that the only thing that he can think of is what can he expect to see and what is his expectations to what he finds and is he going to charge us any extra and if a change order is provided, how would they negotiate a price. How would additional services be handled?**

**MOTION by Mr. Nordstrom, seconded by Mr. Connolly and Mr. McGee and voted unanimously on a 4-0 aye vote to continue to the November 17 sewer commission meeting.**

#### **PROJECT CLOSURE REPORT-Mr. Kane**

**MOTION by Mr. Kane, seconded by Mr. Nordstrom and voted unanimously on a 4-0 aye vote to continue to the November 17 sewer commission meeting.**

#### **CORRESPONDENCE & COMMUNICATIONS**

**Mr. Kane stated there was no correspondence and communications.**



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## **OLD BUSINESS**

**Mr. Nordstrom brought up a past situation where a resident was in a nursing home and she hired a lawyer and the lawyer made a recommendation that she couldn't afford to tie in but they were willing to put a lien on the property with the understanding that if the property was sold that property would be required to connect and the proceeds would be taken from the property, even if it was passed down to family members. They weren't sure if there was a mechanism to do that and a letter was sent to the former town solicitor and asked him if there was a way to do this so they could act on her request. His recommendation is to give the authority to the commission chair to take the previous letter and change the name and forward it to the current town solicitor with the appropriate back up information and ask him if they can actually do this.**

**MOTION by Mr. Nordstrom, seconded by Mr. McGee and voted unanimously on a 4-0 aye vote that the letter to Mark Hadden from 2008 be redirected to the current town solicitor on behalf of the current chair.**

## **NEW BUSINESS**

**Mr. Kane had 89 St. Paul Street property brought to his attention by Mr. Wilcox and read the email received from Mr. Wilcox. The e-mail is addressed to Mr. Kane and read as follows: Cityside Management**

Corporation has notified the sewer department to a property located on 89 St. Paul Street, Plat 3 Lot 17 coming out of foreclosure. He has asked for a new field card and to contact the new owner, Cityside Management Corporation could or would not inform him of the new owner. The old account has been attached for reference.” They have been assessed but there hasn’t been any activity or payment of any kind on the account nor any intention of any connection. He is asking from the commission of what they should do as soon as information is provided, should they follow up with the new owner and provide a one year for an extension for unusual and extreme hardship.

Mr. Nordstrom feels that to send them the standard letter informing them that it’s been a year that they haven’t connected.

Mr. Kane feels that maybe they are not aware being new owners.

Mr. Nordstrom feels that they don’t need to do anything and that there is a mechanism already in place.

Mr. Kane stated that the year period as of October 19, 2010 has expired according to the ordinance. If they are not connected they are in violation of the sewer use ordinance. There are a total of 33 properties not connected to date as of October 19, 2010

Mr. Wilcox explained that some have extensions and will get billed for

their usage, not connected. There are some on assessment hold by the sewer commission and some are deferred, that will not be billed. He noted all of them on his spreadsheet. There will be a total of 18 bills that will be going out within the next week.

Mr. Kane reviewed with Mr. Wilcox that there are 12 bills that will be going out along with a letter that will accompany those bills stating that they are now in violation of the ordinance and are subject to \$100.00 per day fine.

Mr. Wilcox stated that yes there will be letter that yet has to be designed.

Mr. Kane is asking that wording be included that by their own law they will have to fine people and feels that there has been proper notification for those 12 people. None of those residents have come before the commission or have requested any assistance or any information from them and asking Mr. Wilcox to mail out the letters certified and return receipt.

Mr. Wilcox stated yes.

Mr. Kane stated that as of October 20, 2010 usage bills will be issued to all properties, non-connecting and there are a total of 12 properties will receive a bill starting October 20, 2010 and calling it the access fee per the town solicitor not a usage fee. The fee is \$245.66 for one

**user. He stated whatever they are classified as they will receive an appropriate bill. He has asked Mr. Wilcox to keep him apprised monthly of what happens with these.**

#### **OPEN FORUM PURSUANT TO RIGL SECTION 42-46-6 (d)**

**Mr. Bob Thurber of 20 Brian Avenue asked what is covered and included in a five (5) year under the pump warranty.**

**Mr. Kane stated that the warranty is an exact duplicate of the two (2) year manufacturer's warranty which includes labor, parts and travel as long as it isn't misuse or abuse.**

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**Mr. Thurber asked what does the ten (10) year maintenance include.**

**Mr. Kane responded that is yet to be worked out. That will only kick in after the five (5) year warranty expires. It will be an individual contract that denotes what the town is responsible for and what the homeowner is responsible for.**

**Mr. Thurber asked for those people who are in non-compliance if there is a lien that goes on their property?**

**Mr. Kane stated that as far as not being connected, the ordinance dictates a \$100.00 per day fine, if they are not paying their assessment, that is a lien on the property and according to the tax**

**collector's office it is treated the same as if your taxes were not being paid. If it isn't paid for three (3) consecutive quarters, the town has the right to put it up for tax sale.**

**Mr. Thurber asked that as far as usage, it is treated as a regular tax lien.**

**Mr. Kane agreed and stated yes.**

**ADJOURN**

**MOTION by Mr. Connolly, seconded by Mr. McGee and voted unanimously on a 4-0 aye vote to adjourn the meeting at 8:39 pm. The meeting adjourned at 8:39 pm.**

**Respectfully Submitted,**

**Patricia A. Paul**

**Commission Secretary**